

PATENT

Attorney Docket No. BERL020/04US

11033 U.S. PTO
09/841321
04/23/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Urry)	Examiner: Not Assigned Yet
Continuation of Serial No. 09/258,723)	Art Unit: Not Assigned Yet
Parent Filed: February 26, 1999)	<u>Petition To Make Application Special</u>
For: Injectable Implants For Tissue)	Palo Alto, CA 94306
Augmentation And Restoration)	

#4

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

PETITION TO MAKE APPLICATION SPECIAL (MPEP 708.02 (VIII))

This is a Petition to Make Application Special for accelerated examination under 37 CFR 1.102(d) and MPEP 708.02 (VIII), and is accompanied by the requisite fee set forth in 37 CFR 1.17(h).

CLAIMS

All the claims in this application are directed to a single invention. If the Office determines that all the claims presented are not obviously directed to a single invention, Applicant will make an election without traverse as a prerequisite to the grant of special status.

SEARCH

A search has been made by a foreign patent office -- the USPTO as ISA in corresponding application PCT/US99/04440.

The field of search included U.S. classes 424/484, 520; 428/373; 514/12; 525/54.2, 328.1; and 623/1, 11.

COPY OF REFERENCES

The only references identified by the USPTO as ISA were:

- (i) U.S. 4,870,055 A (Urry et al.);
- (ii) U.S. 4,898,926 A (Urry);
- (iii) U.S. 4,976,734 A (Urry et al.);
- (iv) U.S. 5,226,292 A (Urry);
- (v) U.S. 5,336,256 A (Urry);

- (vi) U.S. 5,476,666 A (Rhee, et al.);
- (vii) U.S. 5,510,121 A (Rhee, et al.); and
- (viii) U.S. 5,527,610 A (Urry).

Copies of these references are attached.

DETAILED DISCUSSION OF THE REFERENCES

Claims corresponding to each independent claim pending in this application have previously been searched by the U.S. Patent and Trademark Office as International Searching Authority for PCT Application PCT/US99/04440, examined by a foreign patent office -- the USPTO as IPEA in corresponding application PCT/US99/04440 and examined by the USPTO in the parent patent application Serial No. 09/258,723.

In addition, apart from the single amendment to dependent Claims 13 and 34 to correct typographical errors, claims corresponding to each dependent claim pending in this application have similarly been searched and examined.

In its Search Report the ISA identified eight references, all of which were categorized as not being relevant. In the Preliminary Examination Report, the IPEA indicated that claims corresponding to the claims pending in this application met the novelty, inventive steps and industrial applicability requirements. Finally, the USPTO in the parent application, indicated that claims corresponding to the claims pending in this application were allowed.

Accordingly, Applicant believes that all of the pending claims are patentable and asks that this petition be granted.

Respectfully submitted,
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